

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARY COSGROVE,

Plaintiff,

v.

Case No. 15-CV-11420
Hon. Mark A. Goldsmith

MICHIGAN DEPARTMENT OF
CORRECTIONS, ET AL.,

Defendants.

OPINION AND ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

This is a civil action brought by a state prisoner, Cary Cosgrove, who is incarcerated at the Cooper Street Correctional Facility, under 42 U.S.C. § 1983.

On May 6, 2015, the Court issued an Order to Correct Deficiency (Dkt. 4), because Plaintiff's complaint was illegible. Two days later, Plaintiff filed a document (Dkt. 5) that the Court construed as the amended complaint. The amended complaint asserts that Defendants violated his federal rights by opening and tampering with Plaintiff's legal mail. The amended complaint also asserts that Defendants have been harassing and bribing Petitioner to dismiss other civil litigation.

After reviewing the amended complaint, the case was reassigned to the undersigned Judge as a companion case to Cosgrove v. Mich. Dep't of Corr., et al., No. 15-cv-11419. See 6/2/2015 Order (Dkt. 7). Then, on June 3, 2015, the Court ordered Plaintiff to submit two additional copies of his complaint for service, see 6/3/2015 Order (Dkt. 8), and to submit the filing fee or an application for leave to proceed in forma pauperis, see 6/3/2015 Order (Dkt. 9). Plaintiff filed a prisoner trust fund account statement (Dkt. 10), which partially corrected the one

filing deficiency, but he has not provided the Court with the two additional copies of his complaint for service, nor has he filed the filing fee or application for leave to proceed in forma pauperis.

Since then, Plaintiff has filed several documents with the Court. For instance, Plaintiff appears to have filed a motion requesting additional time to file an amended complaint (Dkt. 13), yet that deficiency had already been corrected in the amended complaint (Dkt. 5). On June 25, 2015, Plaintiff filed a single copy of what appears to be another version of his complaint (Dkt. 12), which includes claims of inhumane living conditions, retaliation, failure to protect, emotional distress, leveling false charges, and placing Plaintiff in danger. On June 29, 2015, Plaintiff wrote a letter to the Court (Dkt. 11), asking for additional time to file additional copies of his complaint. Finally, on July 2, 2015, Plaintiff filed a single copy of a letter (Dkt. 14), which appears to restate general complaints about the treatment of prisoners and demands some sort of settlement from the Michigan Department of Corrections in exchange for dismissing his three lawsuits.

Despite his protestations, Plaintiff has evidenced his ability to file documents with the Court. Plaintiff was ordered on June 3, 2015, to file two additional copies of his complaint for service and submit the filing fee or application for leave to proceed in forma pauperis by July 6, 2015. The time for correcting these deficiencies has long since elapsed.

Accordingly, the Court dismisses Plaintiff's complaint without prejudice for want of prosecution. The Court also denies Plaintiff's "motion to suspend" (Dkt. 13) as moot.

SO ORDERED.

Date: August 14, 2015
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 14, 2015.

s/Carrie Haddon

Case Manager